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July 13, 2023

VIA ECF

Hon. Katharine H. Parker
United States Magistrate Judge, Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 750
New York, New York 10007

Re: *Spectrum Dynamics Medical Limited v. General Electric Company, et al.*,
Case No.: 18-cv-11386 (VSB)

Dear Judge Parker:

We represent Defendants in the above-captioned matter. We write to request an adjournment of the case management conference presently scheduled for July 26, 2023 (*see* Doc. 684 at 3) and to have that conference re-scheduled and merged with the case management conference scheduled for August 22, 2023.

The Court scheduled the July 26, 2023 conference in connection with setting a briefing schedule for Defendants' motion to pierce privilege based on the crime-fraud exception. (*See id.* at 2.) Plaintiff has also filed a motion to pierce privilege. (*See* Doc. 670.) The issues and legal principles raised by both motions are substantially the same, but Defendants' motion will not be fully briefed until August 18, 2023 (*see* Doc. 684 at 2). Moreover, the parties do not presently have any other pending discovery issues. Therefore, Defendants respectfully submit that it would be more efficient for the Court to address both motions at one time, and the already-scheduled August 22, 2023 conference provides that opportunity.

Further, Defendants' lead counsel is unavailable to attend the July 26, 2023 conference due to a longstanding conflict. Because the discussions with Plaintiff's counsel regarding the issues relevant to these two motions were handled by other members of Defendants' legal team, Defendants expect that those members of the legal team will argue the pending motions. However, given the serious accusations raised in Plaintiff's motion (i.e., accusing Defendants of criminal fraud against the U.S. government), lead counsel would like to attend any hearing on that motion.

Plaintiff does not consent to this request.

This is Defendants' first request for this relief. The proposed adjournment will not affect any other scheduled conferences or deadlines.

We appreciate Your Honor's continued attention to this matter.

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Page 2

Respectfully,

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/s/Marla R. Butler

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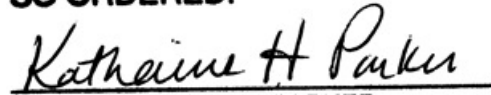
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*Attorneys for Defendants
General Electric Company, GE Healthcare,
Inc., and GE Medical Systems Israel Ltd.*

The application to adjourn the conference scheduled on July 26, 2023 is DENIED. Lead counsel for Defendants is excused from attending the conference. Pursuant to my Individual Rules, junior members of legal teams representing clients are invited to address the Court at case management conferences such as the one scheduled on July 26, 2023, and firms are encouraged to provide this opportunity to junior attorneys for training purposes. See <https://www.nysd.uscourts.gov/hon-katharine-h-parker>. To be clear, the case management conference on July 26, 2023 is not intended to be an oral argument or hearing on any motion.

SO ORDERED:



**HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE**

7/18/2023